

Serial #: 09/551,238
In reply to Office action mailed: 4/22/2005
page 8 of 12

Remarks

1. Introduction

Claims 1-27 are pending in the application. For at least the reasons stated below, Applicants assert that the pending claims are allowable, and request the issuance of a notice of allowance.

2. 35 U.S.C. § 103 Rejections

The claims have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Weiss (US Patent 6,354,490), and further in view of Nishimura (Japan Patent JP404195256A) and/or Atkins (US Patent 5,864,828) and further in view of Clark (US Patent 6,064,943). These four references (alone or in combination) do not teach or suggest presenting web site content to customers using a garden metaphor. For at least this reason, Applicants request that the 35 U.S.C. § 103(a) rejections be withdrawn.

In the final Office action, the Examiner states:

"it appears that the applicant has only changed the environment of the claimed invention and the environment in which to use the claimed invention. ... [T]he Examiner asserts that the type of data does not affect the functioning of the combined teachings... . In addition, systems for organizing and presenting to a client data regarding a garden metaphor are well known ... See column 6, line 65 to column 7, line 39 of Clark, Jr. et al. ... It would have been obvious to ... incorporate the teachings of Clark ... in order to broaden the type of information to be made available to a customer thus providing a more flexible

Serial #: 09/551,238

In reply to Office action mailed: 4/22/2005

page 9 of 12

system attracting a plurality of different types of customers." (page 4)

Unfortunately, the Examiner's statement indicate that the garden metaphor amendments to the claims have not been properly understood. A metaphor is a "play on words" in which a phrase or visual object is used in place of another to suggest a likeness between them. As Applicants pointed out in their previous Response, figure 11 shows one embodiment of how the garden metaphor may be presented in the user interface, namely:

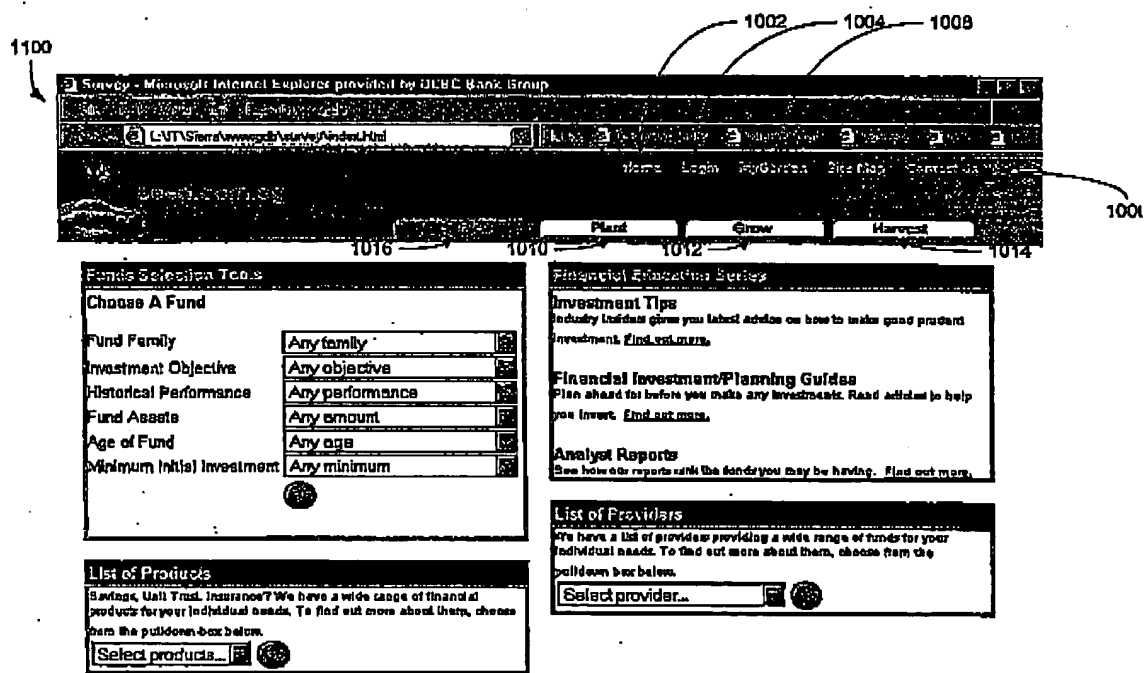


Fig. 11

In figure 11, tab in the user interface is used to access certain features. In a user interface for a bank, one might traditionally have tabs for "new customer", "checking account",

Serial #: 09/551,238

In reply to Office action mailed: 4/22/2005

page 10 of 12

"transfer funds", etc. Figure 11, however, shows a user interface for a bank's web site in which the garden metaphor is present. The tabs are labeled with various garden terms. Tab 1010 is labeled "plant", tab 1012 is labeled "grow" and tab 1014 is labeled "harvest". By organizing the banking features using a garden metaphor, the content is more user-friendly and fun. In addition, the banking features may be easier to access by the customer as the metaphor is easy to grasp and remember. For example, a customer quickly realizes that opening a new account should be found under planting rather than growing or harvesting.

The Examiner has rejected the garden metaphor as unpatentable because, in part, the Examiner believes that this language merely changes the "environment in which to use the claimed invention", in other words, changing "the type of data" stored is not patentable. The Applicants respectfully point out that the Examiner has failed to understand the use of the garden metaphor. As figure 11 shows, the garden metaphor is not used for garden-type data, nor is it being used for garden-type environments. Rather, the use of "plant", "grow" and "harvest" in a banking user interface are used metaphorically. The term "plant" is associated with banking functions such as opening a new account. The term "harvest" is associated with banking functions such as withdrawing or closing an account.

The Examiner's lack of appreciation for the claim language is further evidenced by the Examiner's subsequent comment "that systems for organizing and presenting to a client data regarding a garden metaphor are well known ... See column 6, line 65 to column 7, line 39 of Clark, Jr. et al.". As the Clark title indicates, the Clark invention is for agronomic (i.e., farm) data. The figures (such as figure 12) show that the Clark invention allows farmers to input farm-related data, such as the acres planted, the type of crop planted, the soil type, etc. The cited portion of Clark (starting at line 65 of column 6) discusses how the Clark

Serial #: 09/551,238

In reply to Office action mailed: 4/22/2005

page 11 of 12

invention computerizes farming/agricultural processes using a client-server computer system.

There is no garden metaphor in Clark since all of the garden-related terminology are used in the literal meanings, not figurative. Figure 12's use of the term "crop" actually indicates a location for the farmer to enter the type of crop; its use of the term "soil" actually indicates a location for the farmer to enter the type of soil, etc. Thus, Clark does not teach or suggest a garden metaphor in which garden terms are metaphorically applied to non-garden uses. As claim 1 recites, Applicants invention includes "a banking web site that is organized and presented to the customer using a garden metaphor". Such a garden metaphor is not found in or suggested by any of the cited references. The implementation of the garden metaphor is not simply a changed "environment in which to use the claimed invention" or a changed "type of data" stored, as the Examiner has asserted. Rather, the garden metaphor provides a new and novel feature for customers who access a banking web site. The garden metaphor enables the web site to be a fun experience that may be more intuitive to some users.

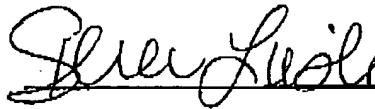
3. Conclusion

All rejections having been addressed, Applicants submit that all pending claims are in condition for allowance. Applicants respectfully requests reconsideration of the rejected claims and that a Notice of Allowance be issued in this case. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at 612-607-7508.

Serial #: 09/551,238
In reply to Office action mailed: 4/22/2005
page 12 of 12

If any fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees including fees for any extension of time, to Deposit Account No. 50-1901 (Docket 60021-369201).

Respectfully submitted,



Steven Lieske, Reg. No. 47,749

Customer No. 29,838

OPPENHEIMER WOLFF & DONNELLY LLP
Plaza VII, Suite 3300
45 South Seventh Street
Minneapolis, MN 55402
Phone: 612-607-7508
Fax: 612-607-7100
E-mail: SLieske@Oppenheimer.com